IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.7409 OF 2002

Satishchandra Sitaram Pradhan : Petitioner

V/s.

The C.K.P. Co-op. Bank Ltd. & Ors. : Respondents

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Mr.Chetan Agarwal i/b. Mr. C.K. Pendse for the petitioner.

Mr.S.P. Thorat for respondent no.1.

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CORAM : S.A. BOBDE, J.

March 11, 2005.

P.C.:

1. This petition is directed against the order dated 1.10.2002 refusing to condone delay in filing appeal.

2. It appears that the judgement and award was passed on 20.12.1995. However, the petitioner-appellant got knowledge of it much later whereafter he applied for a certified copy on 17.9.2001. The application for condonation of delay was presented in the Court on 19.6.2002, though it was prepared and sworn on 1.2.2002. The appeal memo was presented in the Court on 19.6.2002.

3. Mr.Thorat, learned counsel for respondent no.1, strongly denies the averments and opposes the petition.

4. Undoubtedly, the appeal is filed beyond time, but having regard to the reason given, viz., that the petitioner was not aware of the passing of the judgment and decree, I consider it an appropriate case to set aside the order and condone the delay, subject to payment of cots of Rs.10,000/- by the petitioner to the respondent-Bank within four weeks from today. The appellate Court is directed to decide the appeal, as expeditiously as possible, and preferably within six months from today. The petition stands disposed of accordingly.

Sd/-

S.A. BOBDE, J.